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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General*

Summary

In paragraph 9 of its resolution 58/171 of 22 December 2003, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its fifty-ninth session, highlighting the practical and preventive measures in that respect.

In accordance with the resolution, a note verbale was sent to all permanent missions to the United Nations on 22 June 2004, bringing the resolution to the attention of Member States and seeking their views. As of 31 August 2004, information had been received from Azerbaijan, Costa Rica, Cuba, Mexico and the Syrian Arab Republic. Any information made available to the Office of the United Nations High Commissioner for Human Rights at a later date will be submitted in an addendum to the present report.

In addition, the General Assembly will have before it the report of the Secretary-General, submitted to the sixtieth session of the Commission on Human Rights, on the same subject (E/CN.4/2004/37).

* The submission of this document was delayed because necessary information could not be obtained in time.

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Information received from Member States

1. The Government of **Azerbaijan** stated that in 1988, the Armenian armed forces occupied Nagorny-Karabakh Autonomous Region of Azerbaijan. As a result of these incidents, there are now over 1 million refugees and displaced persons in Azerbaijan. This region, with its natural resources and climate, played a major role in Azerbaijan's economy. There were more than 180 enterprises in the region. Just before the occupation, some 50 branches of industrial enterprises were based in Baku and other cities. This made it possible to provide work for some 5,000 people. At the same time, the region also had diverse communications lines and facilities. Because of the occupation, Azerbaijan has lost US$ 22.2 billion.

2. If one considers that most of these people were farmers, they have lost the opportunity to receive the land and equipment that have been distributed as a result of Azerbaijan's economic reforms. In 1990, the State Committee for Refugees and Displaced Persons was established in order to improve the social status of refugees and displaced persons. Every year, the State transfers an average of US$ 100 million to the Committee in order to ensure a minimum living standard for refugees, placing an additional financial burden on Azerbaijan.

3. Air transport is the only link between the Nakhichevan Autonomous Republic and Baku and other regions of Azerbaijan. Consequently, and bearing in mind the financial situation of the State-controlled Azerbaijan Airlines (AZAL), every year US$ 10 million are transferred from the State budget to the AZAL budget in order to compensate it for losses generated by the occupation. Moreover, the long-established transport operations from Europe were conducted along traditional routes on Russian and Azerbaijani railways. Owing to the conflict, rail lines have been destroyed and the operations disrupted, depriving Azerbaijan of an important source of income.

4. As a member of the World Trade Organization, the Government of **Costa Rica** respects and implements principles governing the organization, including those relating to the recourse to unilateral economic coercive measures with extraterritorial effects. In its capacity as member of the United Nations, respectful of international law, it favours freedom of international trade and will reject any such restriction, unless imposed by the United Nations.

5. The Government of **Cuba** attaches particular importance to the consideration of this item by the General Assembly and the Commission on Human Rights, in view of the fact that millions of individuals in many developing countries, including Cuba, are the victims of unilateral coercive measures imposed on them by some developed countries, principally the United States of America.

6. The application of unilateral coercive measures as a means of political and economic compulsion is an attack on the independence, sovereignty and the right to self-determination of peoples. Experience shows that the primary victims are the most vulnerable population groups, including children, women, elderly persons and the disabled.

7. The application of unilateral coercive measures has been the key tool for 45 years of the hostile and aggressive policy of the United States of America towards Cuba in its eagerness to destroy the political, economic and social system established by the sovereign will of the Cuban people following the triumph of the

revolution. Under its aggressive policy, the United States has adopted and applied various unilateral coercive laws and measures, notably the Torricelli Act of 1992 and the Helms-Burton Act of 1996.

8. Preliminary studies indicate that the direct financial impact on Cuba exceeds US$ 79 billion — nearly 3 times Cuba's gross domestic product, approximately 18 times the value of its annual imports and nearly 8 times its external debt.

9. Ten successive United States administrations have resorted to all kinds of political, economic and military action against the people and Government of Cuba: encouraging defection and illegal emigration, espionage, economic warfare, fomenting subversion, terrorism and economic sabotage, biological warfare, supporting armed gangs, making hundreds of plans to assassinate Cuban Government leaders, mounting the military blockade, threatening it with nuclear annihilation and organizing aggression by a mercenary army.

10. On 6 May 2004, the report to the President of the "Commission for Assistance to a Free Cuba" was approved. This report includes a set of recommendations and proposals for new unilateral coercive measures and interference to expedite the overthrow of the Cuban revolution and bring about what they choose to call "regime change" in Cuba. The new anti-Cuba measures applied by the Office of Foreign Assets Control of the United States Treasury Department include acts and provisions that violate the rights of Cuban citizens living in the United States and Cuba.

11. In a further escalation against Cuban families, the Department of Commerce announced new prohibitions on sending basic essentials and personal articles, as well as veterinary medicines and supplies, fishing equipment and soap-making equipment. Preliminary studies by the Cuban Ministry of Tourism on the foreseeable impact of the restrictions show that as from 30 June 2004, date of the entry into force of the measures, the Cuban economy will suffer an annual shortfall in income from tourism of between US$ 93 and US$ 104 million, without taking into account the damage, not yet quantified, caused by action fomented by the United States authorities in third countries to deter tourism to Cuba.

12. The report of the Commission for Assistance to a Free Cuba further suggested allocating over US$ 59 million more to expanding international campaigns against Cuba, financing internal subversion and funding the mercenaries enrolled in the United States Interests Section in Havana, referred to cynically in the document as the "political opposition".

13. Another provocative measure is the allocation of US$ 18 million for broadcasts by TV and Radio Martí from a C-130 military plane devoted exclusively to the purpose, in violation of rules and regulations established by the International Telecommunication Union.

14. The Government of **Mexico** said that, States should avoid and refrain from taking unilateral measures contrary to international law that obstruct the full realization of economic, social and cultural development, as an integral part of all human rights. The right of everyone to self-determination in order to establish their political status and manage their development should likewise be protected.

15. Moreover, articles of basic necessity, such as food and medicines, must not be used as instruments of political coercion and at no time may a people be deprived of their own means of subsistence and development. Mexico rejects political or

economic sanctions that have not been decided upon by the Security Council or recommended by the General Assembly.

16. According to the Government of Mexico, the application of unilateral coercive measures is contrary to international law, a position also expressed by the Inter-American Juridical Committee in its opinion of 4 June 1996. In this connection, the country saw the entry into force on 23 October 1996 of the Act to Protect Trade and Investment from Foreign Norms that Contravene International Law, the purpose of which is to counter the extraterritorial effects of any foreign norm that infringes international law to the detriment of any State.

17. The Government of the **Syrian Arab Republic** reaffirmed that its Constitution safeguards all citizens' rights, including their economic, social and cultural rights, and citizens are regarded as having the same legal rights and obligations. They exercise their rights and enjoy their freedoms in accordance with the law.